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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,473	01/21/2000	Kazuhisa Matsuda	NISS-049	5891

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EXAMINER
PRATT, CHRISTOPHER C

ART UNIT	PAPER NUMBER
1771	11

DATE MAILED: 09/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-11

Advisory Action	Application N .	Applicant(s)	
	09/489,473	KAZUHISA MATSUDA	
	Examin r	Art Unit	
	Christopher C. Pratt	1771	

--The MAILING DATE of this communication appears on th c ver sheet with the c rrespondence address --

THE REPLY FILED 29 August 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-33*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: Applicant repeats the argument promulgated in the previous response that Light requires the nonwoven layer to be composed of only synthetic materials. In support of this argument, applicant recites Lights teaching that the nonwoven layer may be synthetic. The examiner agrees that Light provides for embodiments wherein the nonwoven layer may be synthetic; however, maintains the position that Light does not require said nonwoven layer to be synthetic. The examiner's position is drawn directly from Lights teachings. As set forth in the previous action, Light clearly teaches that the nonwoven layer can be made from the same material as the film (col. 4, lines 64-66). The film is made of collagen. Also set forth in the previous action, Light describes several materials, which may form said fibers (col. 3, lines 1-11). This passage does not state that th material must be synthetic. Moreover, it specifically discloses regenerated cellulose, which is a semi-synthetic material.

Light also leads the skilled artisan to choose collogen fibers by teaching that such fibers have "well known wound-healing properties (col. 2, lines 26-34)" and provide "high-strength (col. 1, lines 58-60)." Finally, the examiner notes that Light provides absolutely no support for applicant's interpretation that said nonwoven layer must consist of synthetic materials.

Applicant argues that col. 2, lines 48-50 teaches that the nonwoven layer must consist of synthetic material. This passage state that the nonwoven layer may be synthetic, but does not state that said nonwoven must be synthetic or can only be synthetic. Applicant argues that Light does not teach a gelatin or hyaluronic acid coating. Light teaches this limitation in col. 3, lines 25-50). .

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